

Responsiveness Summary to public comments on the updated Kitsap County SMP

Kitsap County (County) adopted Ordinance #502-2013 on January 30<sup>th</sup>, 2013 authorizing submittal of the updated Shoreline Master Program (SMP) to the Department of Ecology (Ecology) for review. The County formally submitted the updated SMP to Ecology on April 1<sup>st</sup>, 2013. Upon review of the submittal, Ecology notified the County of a complete submittal in a letter dated May 30<sup>th</sup>, 2013, initiating state review of the updated SMP. Ecology accepted public comments on the updated SMP between June 10<sup>th</sup> and July 12<sup>th</sup>, 2013 and at a public hearing hosted by Ecology on June 20<sup>th</sup>, 2013. Notice of the comment period and public hearing was published in the Kitsap Sun on June 7<sup>th</sup>, 2013 and was also provided to over 700 individuals listed as regional or local “interested parties”. Ecology received testimony from four individuals at the Public Hearing (PH) on June 20<sup>th</sup> and written comments from an additional 54 individual or organizations as summarized in Table 1.

Table 1 (below) lists all the individuals or organizations that provided comment and reference to each particular topic/issue as summarized in Table 2 beginning on page 4.

TABLE 1: LIST OF COMMENTER’S AND WHERE THEIR COMMENTS MAY BE FOUND IN THE COMMENT SUMMARY TABLE		
COMMENT NO.	ORGANIZATION - COMMENTER NAME (DATE RECEIVED)	SUMMARY/RESPONSE (TABLE 2 – BELOW)
1	Donald Larson 6/11/2013	I-8
2	Donald Larson 7/12/2013	A-2, A-6, E-8, I-3
3	Maradel Gale 6/16/2013	C-3,
4	Deirdre McKeel 6/17/2013	C-4,
5	Eric Rehm 6/17/2013	A-2, A-6, I-3
6	Noah Grant 6/18/2013	A-2, A-6, I-3
7	Chris Butler-Minor 6/19/2013	A-2, A-6, I-3
8	Doug Lyons 6/20/2013	E-6
9	WA Environmental Council (WEC) - Rein Attemann 6/20/2013	A-2, A-6, I-3
10	Kitsap Alliance of Property Owners (KA) – Bill Palmer 6/20/2013, 7/11/2013 and 7/12/2013	A-1, A-3, A-5, E-7, I-5
11	Jim Sommerhauser 6/20/2013	A-4
12	Dave Kerg 6/20/2013	I-4
13	Jim Hytvelt 6/20/2013	A-4, G-41, I-4
14	Chester Bannister 7/8/2013	C-4
15	Edmond Connor 7/8/2013	A-3, C-4
16	Mike Shoemaker 7/9/2013	C-4

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17	Chuck Pirtle 7/10/2013	A-2, A-6, I-3
18	Tell Schreiber 7/10/2013	A-2, A-6, I-3
19	Martha Bishop 7/10/2013	A-2, A-6, I-3
20	<i>Kitsap Alliance (KA)</i> – Dennis Reynolds 7/10/2013	I-6
21	Mona Merritt 7/10/2013	C-4, C-5
22	Philip Conrad 7/10/2013	A-2, A-6, I-3
23	Rein Attemann 7/10/2013	A-2, A-6, I-3
24	Joyce Rudolph 7/10/2013	A-2, A-6, I-3
25	Jim Gleckler 7/10/2013	A-2, A-6, I-3
26	Jennifer Schreiber 7/10/2013	A-2, A-6, I-3
27	Cestjon McFarland 7/10/2013	A-2, A-6, I-3
28	Mary Ferm 7/10/2013	A-2, A-6, I-3
29	Chiara D'Angelo 7/10/2013	A-2, A-6, I-3
30	Ron Moore 7/10/2013	A-2, A-6, I-3
31	Kathleen Grainger 7/10/2013	A-2, A-6, I-3
32	Nancy Karle 7/11/2013	A-2, A-6, I-3
33	<i>Point No Point Treaty Council (PNPTC)</i> Cynthia Rossi 7/11/2013	B-1, E-2, E-3, E-8, F-2, G-30, G-39, G-43, H-1, H-2, I-1
34	<i>Point Gamble S'Klallam Tribe (PGST)</i> Roma Call 7/11/2013	B-1, E-2, E-3, E-8, F-2, G-30, G-39, G-43, H-1, H-2, I-1
35	June MacArthur 7/11/2013	A-2, A-6, I-3
36	Frank Stowell 7/11/2013	A-2, A-6, I-3
37	Susan Garner 7/11/2013	A-3, C-4
38	<i>Sports Safety and Education Association (SSEA)</i> - John Willett 7/11/2013 and 7/12/2013	E-8

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39	Shannon English 7/11/2013	C-4, C-5,
40	David Bricklin 7/12/2013	G-6
41	<i>Taylor Shellfish</i> Plauche'&Carr – Jesse DeNike 7/12/2013	B-4, G-4, G-8, G-9, G-12, G-13, G-15, G-16,
42	Sally Banfill 7/12/2013	E-7
43	Louis Loleas 7/12/2013	C-4, C-5, I-6
44	Robin Shoemaker 7/12/2013	C-4, C-5
45	Kerry Grant 7/12/2013	A-2, A-6, E-8, I-3
46	Elinor Ringland 7/12/2013	A-2
47	Sarah Soutter 7/12/2013	A-2, A-6, E-8, I-3
48	Luba Fetterman 7/12/2013	A-2, A-6, E-8, I-3
49	Ruth Blaney 7/12/2013	A-2, A-6, E-8, I-3
50	Susan Digby 7/12/2013	A-2, A-6, E-8, I-3
51	Mark Aistrope 7/12/2013	C-7
52	Robert Harris 7/12/2013	C-4
53	<i>WA Dept. of Natural Resources (DNR)</i> - Lelana Amiotte 7/12/2013	D-1, D-2, E-1, E-9, G-10, G-11, G-18, G-21,
54	<i>WA Environmental Council (WEC)</i> – Rebecca Ponzio 7/12/2013	A-2, A-6, C-6, C-8, E-3, E-11, G-42, I-2, I-3
55	<i>Point Gamble S'Klallam Tribe (PGST)</i> Kanji&Katzen – John Sledd 7/11/2013	B-3, F-1, G-2, G-22, G-25,
56	John Nantz 7/12/2013	A-2, A-6, E-8, I-7, I-3
57	<i>Futurewise</i> – Tim Trohimovich 7/12/2013	B-2, C-1, C-6, C-8, E-4, E-5, E-8, E-10, E-12, G-1, G-3, G-5, G-7, G-14, G-17, G-19, G-20, G-24, G-26, G-27, G-28, G-29, G-31, G-32, G-33, G-34, G-35, G-36, G-37, G-38, G-39, G-40, G-44, G-45, G-46, H-3
58	<i>Skokomish Indian Tribe (SIT)</i> – Joseph Pavel 7/16/2013	G-23

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Please note, the statements below are not the opinions or comments of Ecology, but rather summary of comments received during the public comment period.

TABLE 2 : COMMENT SUMMARY/RESPONSE TABLE				
LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
A-1	SMP Update Process Approval Process	10	<b>SMP Approval Process:</b> Kitsap Alliance (KA) recommend that Ecology remand the updated SMP back to the County to remedy deficiencies identified by KA during the update and as summarized in their most recent comments.	<b>Kitsap County Response:</b>
A-2	SMP Update Process Approval Process	2, 5, 6, 7, 9, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 45, 46, 47, 48, 49, 50, 54, 56	<b>SMP Approval Process:</b> Comments recommended approval of the Kitsap County SMP.	<b>Kitsap County Response:</b>
A-3	SMP Update Process Public Participation	10, 15, 37	<b>Public Process:</b> Through reference to a previous letter (dated 9/20/2011) submitted to the Board of County Commissioners, Kitsap Alliance (KA) alleged that “...Kitsap County did not present or pursue a citizen participation program that meets the intent of the State’s Guidelines for public participation”.  KA concluded that the updated SMP will apply a “more restrictive Shoreline Environment classification to nearly 4,000 properties”, which they argue was done “without proper notice to the property owners affected and without justification for the change...” Additional comments from individual shoreline property owners also raised concerns related to a lack of notice for the proposed changes.	<b>Kitsap County Response:</b>
A-4	SMP Update Process Public Participation	11, 13	<b>Public Process:</b> Mr. Summerhauser provided testimony at Ecology’s public hearing on June 20 <sup>th</sup> , 2013 describing his involvement in the SMP-update and concluding that the County provided adequate opportunity for involvement in the update. At the end of his testimony, Mr. Summerhauser requested that	<b>Kitsap County Response:</b>

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			Ecology complete their review in a timely and transparent matter, with as few changes as possible.  Mr. Heytvelt provided similar comments in his letter to Ecology, stating that he; <i>“believes the public had more than ample opportunity to participate in the Kitsap County Shoreline Master Program”</i> .	
A-5	SMP Update Process Supporting Materials	10	<b>Inventory/Characterization Report:</b> Kitsap Alliance (KA) stated their opposition to the updated changes to the SMP, for which they contend that the changes are not necessary. Citing previous concerns (reference to letter dated 5/23/2011), KA stated that they do not accept the County’s Inventory/Characterization Report as a <i>“...scientific baseline study of existing environmental conditions”</i> . Further, KA state that the updated SMP is unnecessary because the County did not assess the <i>“...effectiveness in maintaining environmental conditions or preventing environmental degradation...”</i> of the 1974 or 1999 versions of the SMP prior to proposing the SMP amendments.	<b>Kitsap County Response:</b>
A-6	SMP Update Process SMP Review	2, 5, 6, 7, 9, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 45, 47, 48, 49, 50, 54, 56	<b>SMP Guidelines Consistency:</b> Commenters identify the following points as important to ensure that the SMP Guidelines are satisfied by the County’s updated SMP:  <ol style="list-style-type: none"><li>1. <i>Be based on science.</i></li><li>2. <i>Safeguard critical areas including fish and wildlife habitats and critical saltwater habitats.</i></li><li>3. <i>Retain existing natural vegetation and promote the planning of native vegetation.</i></li><li>4. <i>Provide abundant and well located public access to the shoreline in a way that does not harm the ecosystem or neighbors.</i></li><li>5. <i>Manage new development to protect property, shoreline resources, public access and safety.</i></li></ol>	

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
B-1	<b>SMP Definition</b> Chapter 2 “Aquaculture”	33, 34	<b>Definition “Aquaculture”:</b> Comments recommend that the second sentence in the definition of “ <i>Aquaculture</i> ” be amended to clarify that the fishery is co-managed by the tribes.	<b>Kitsap County Response:</b>
B-2	<b>SMP Definitions</b> Chapter 2 - “Map”, and “Normal Repair”	57	<b>Definitions –</b> Futurewise recommend the following changes: <ul style="list-style-type: none"><li>• <i>Map</i>: recommend amending the name to “environment map” to avoid potential confusion with other generic “map” references in the SMP;</li><li>• <i>Normal Repair</i>: suggest adding a clarifying statement excluding replacement (under a shoreline exemption) when it is necessary due to lack of normal maintenance/repair, for which they suggest is a “new development”.</li></ul>	<b>Kitsap County Response:</b>
B-3	<b>SMP Definitions</b> Chapter 2	55	<b>Definitions -</b> phrase “ <b>performance based development</b> ”: The comments suggest that the phrase “ <i>performance based development</i> ” be deleted from the SMP definitions in Chapter 2.	<b>Kitsap County Response:</b>
B-4	<b>SMP Definition</b> Chapter 2 - “Predator Exclusion Device”	41	<b>Definition “Predator Exclusion Devise:</b> The comments recommend deleting “ <i>for</i> ” and “ <i>or activity</i> ” within the first sentence of the “ <i>Predator Exclusion Devise</i> ” definition in the SMP. The commenter states that the amendment is necessary to reduce confusion, as they conclude that the examples in the definition are all “ <i>objects</i> ” not “ <i>activities</i> ”.	<b>Kitsap County Response:</b>
C-1	<b>SMP Jurisdiction</b> Critical Areas – Section 3.1	57	<b>Expansion of Jurisdiction for Critical Areas:</b> Futurewise recommend that section 3.1 be amended to clarify that shoreline jurisdiction may need to expand, when necessary to provide for buffers necessary to protect critical areas that may be located within shoreline jurisdiction.	<b>Kitsap County Response:</b>

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C-2	SMP Env. Designations High Intensity - Section 3.2.1 and Urban Conservancy - Section 3.2.3	4	<b>High Intensity and Urban Conservancy Designation:</b> Noting current flooding issues during high tide events, the commenter raises concerns with the County’s application of the “ <i>High Intensity</i> ” and “ <i>Urban Conservancy</i> ” designations within the Gorst Watershed and along the Highway 3 corridor. Further, comments reference a (predicted) 3 – 22 foot rise in sea-level over the next 20-years, for which they recommend that the SMP designation be amended to a “ <i>Natural</i> ” environment.	<b>Kitsap County Response:</b>
C-3	SMP Env. Designations Natural - Section 3.2.5	3	<b>Natural Designation:</b> The commenter describes a request during the County’s update to designate her Hood Canal property as “ <i>Natural</i> ”, for which she acknowledges that the County made the change in the adopted SMP. However, the commenter is concerned that information provided to shoreline property owners by a local interest group, encouraging people to “ <i>be concerned with the Natural designation</i> ”, could negatively influence the SMP’s effectiveness at protecting relatively pristine shorelines throughout the County.	<b>Kitsap County Response:</b>
C-4	SMP Env. Designations Natural - Section 3.2.5	14, 15, 16, 21, 37 39, 42, 43, 44, 51, 52	<b>Natural Designation:</b> Comments from multiple property owners raised concerns associated with the application of the “ <i>Natural</i> ” designation to their property. Concerns ranged from lack of adequate notice of the change, inappropriate application of a preservation zone to already developed shoreline areas, to concerns related to financial impacts associated with limitations on either new construction or replacement of existing structures. Comments requested that the “ <i>Natural</i> ” designation not be applied to developed areas of Kitsap County.	<b>Kitsap County Response:</b>
C-5	SMP Env. Designations	21, 39, 43, 44	<b>Natural Designation:</b> Expanding on comments provided above (Line # C-4), a number of comments questioned how the	<b>Kitsap County Response:</b>

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	Natural - Section 3.2.5		subject property (West Kingston Road) could be designated Natural, when the adjacent properties are designated Urban Conservancy? The property owners requested that their vacant lot be designated the same ( <i>"Shoreline Residential"</i> or <i>"Urban Conservancy"</i> ) as their adjacent developed lot to ensure compliance with constitutional limits and applicable <i>"Governing Principles"</i> provided within the Kitsap SMP.	
C-6	SMP Env. Designations Natural - Section 3.2.5	54, 57	<b>Natural Designation:</b> Based on review of the County's Environment Designation Map and comparison of Google Earth air photos, Futurewise raised concerns alleging that the SMP will not adequately protect (existing) intact vegetation. They recommend that the County amend the environment designation map to reclassify a number of areas as <i>"Natural"</i> to ensure adequate protection of the intact areas. <i>"Appendix A"</i> (pages 33-37) of their letter, list the specific segments of shoreline that they recommend reclassification to a more protective environment designation.	<b>Kitsap County Response:</b>
C-7	SMP Env. Designations Natural - Section 3.2.5	51	<b>Natural Designation:</b> Comments were provided by a Hood Canal shoreline property owner, who believes that his property has incorrectly been designated as <i>"Natural"</i> . The commenter argues that the characteristics of the site are more consistent with similar sites designated as <i>"Rural Conservancy"</i> . Citing the presence of a <i>"110' bulkhead"</i> causing beach erosion, clearing from a former home that burned down 80-years ago, and an existing road, as evidence that the site is not pristine or undisturbed in its current state. Therefore, the property owner requests that the County re-designate the site <i>"Rural Conservancy"</i> .	<b>Kitsap County Response:</b>
C-8	SMP Env. Designations Aquatic Environment -	54, 57	<b>Aquatic Designation:</b> Commenters raised concerns with a lack of protection provided by the Aquatic designation, as they	<b>Kitsap County Response:</b>



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	Section 3.2.6		argue that the SMP does not provide sufficient use limits in the adjacent upland designation to manage uses allowed in the Aquatic designation. Based on these concerns, they recommend that the County identify particularly important aquatic areas and apply a separate designation to ensure protection of these resources. As an alternative to creating new sub-aquatic designations, they recommend enhancement of the existing system (i.e., reference to adjacent upland designation) by increasing protection measures in the upland environments through incorporation of more specific use limits for each designation, which would then also be applied to the adjacent “Aquatic” area.	
D-1	<b>General Goals Policies</b> Archeological – Section 4.6	53	<b>Goal #5, Policy SH-18:</b> Suggested correction to the acronym used for this section for consistency with section heading.	<b>Kitsap County Response:</b>
D-2	<b>General Goals Policies</b> Shorelines of Statewide Significance (SSWS) – Section 4.11	53	<b>SSWS Policies:</b> <u>No suggested amendment</u> – notable comment supporting the County’s attention to detail related to recognizing “ <i>Shorelines of Statewide Significance</i> ”.	<b>Kitsap County Response:</b>
E-1	<b>General Regulations</b> Overwater Work – Section 5.2.2	53	<b>Standards for Overwater Work:</b> Comment suggests that the County add the following language related to WA. Department of Natural Resources authority in managing state aquatic lands: <u>“On State Owned Aquatic Lands (SOAL), managed by Washington Department of Natural Resources (DNR), there are set standards and requirements including buffers, which shall be adhered to with regards to overwater structures.”</u>	<b>Kitsap County Response:</b>
E-2	<b>General Regulations</b> Mitigation – Section 5.3.2 ‘E’	33, 34	<b>Mitigation Options, Past Restoration as Mitigation:</b> Citing a contradiction with SMP standard 5.3.1 (A), comments recommend that the subject provision (5.3.2 ‘E’) be removed.	<b>Kitsap County Response:</b>

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E-3	General Regulations Critical Areas – Section 5.4.4	33, 34, 54	<b>Critical Saltwater Habitats:</b> Comments provide reference to a number of sources that identify “ <i>priority species</i> ” located within or adjacent to Port Gamble Bay. Based on the criteria from WAC 173-26-221 (2) (c) (iii) defining “ <i>Critical Saltwater Habitats</i> ”, the comments recommend that the SMP designate Port Gamble Bay as a “ <i>Critical Saltwater Habitat</i> ” for priority species, with the effect of requiring more protective regulations to this area.	<b>Kitsap County Response:</b>
E-4	General Regulations Critical Areas – Section 5.4.7	57	<b>Critical Areas Reference:</b> Recommendation that the County clarify when the reference to KCC 19.300 (Fish & Wildlife Habitat Conservation) would or would not apply to “ <i>Type S waters</i> ”.	<b>Kitsap County Response:</b>
E-5	General Regulations Mitigation – Section 5.3	57	<b>Mitigation Requirements:</b> Based on review of the SMP’s mitigation requirements, Futurewise provides a number of mitigation suggestions, which are intended to address gaps that they identified in their comments on the updated SMP.	<b>Kitsap County Response:</b>
E-6	General Regulations Vegetation Conservation Management – Section 5.5	8	<b>Vegetation Conservation Buffers:</b> Citing concerns related to existing structures located within new buffer zones, the commenter suggests that “ <i>present structures present no change</i> ”, for which he recommends that existing structures and “ <i>existing landscaping</i> ” be “ <i>grandfathered</i> ”.	<b>Kitsap County Response:</b>
E-7	General Regulations Vegetation Conservation Management - Section 5.5.2	10, 42	<b>Buffers Width:</b> Testimony and comments generally stated that buffer zones required within the SMP are too large.  One commenter states that buffers larger than 35-feet cannot be justified by “ <i>credible peer reviewed science</i> ” and therefore should not be required in the updated SMP.	<b>Kitsap County Response:</b>

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E-8	<b>General Regulations</b> Vegetation Conservation Management – Section 5.5.2.B.3	2, 33, 34, 38, 45, 47, 48, 49, 50, 56, 57	<b>Urban Conservancy Reduced Standard Buffer:</b> Multiple comments raised concerns with consideration of allowing buffer reductions below 85-feet in the Urban Conservancy designation. A number of comments acknowledged the need for some flexibility to reduce standard 100-foot buffer to 85-feet (with mitigation), but questioned the need, scientific basis and overall justification for consideration of further buffer reduction from 85-feet to 50-feet. Comments recommend that the County remove parts of section 5.5.2 (B) (3) that would allow a buffer reduction to less than 85-feet within the Urban Conservancy designation.	<b>Kitsap County Response:</b>
E-9	<b>General Regulations</b> Public Access – Section 5.10	53	<b>Beach Stairs:</b> Comment notes that construction below the high water mark on State aquatic lands would require DNR review. Therefore, DNR suggests that the County add the following standard to this section: <u>“On State Owned Aquatic Lands (SOAL), managed by Washington Department of Natural Resources (DNR), there are set standards and requirements including buffers, which shall be adhered to with regards to overwater structures.”</u>	<b>Kitsap County Response:</b>
E-10	<b>General Regulations</b> Public Access – Section 5.10.B	57	<b>Public Access Requirements:</b> Citing two potential areas of inconsistency, Futurewise recommend that the County amend this section, by replacing the existing standards with the requirements from WAC 173-26-221 (4) (d).	<b>Kitsap County Response:</b>
E-11	<b>General Regulations</b> Public Access – Section 5.10	54	<b>Public Access:</b> The commenter recommends that the County <i>“amend the public access requirements to comply with the standards of the SMP guidelines”</i> .	<b>Kitsap County Response:</b>
E-12	<b>General Regulations</b> Flood Hazard Reduction Measures – Section	57	<b>Flood Hazard Reduction Standards:</b> Based on long-term concerns associated with sea-level rise, Futurewise recommend that the County enhance this section of the SMP with additional development standards to site future development	<b>Kitsap County Response:</b>

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	5.11.2		outside of the anticipated inundation area for the year 2100.	
F-1	Permit Provisions, Review & Enforcement Mooring Structures – Section 6.2.3 (B) (6)	55	<b>Mooring Buoy Exemption:</b> Comments suggest that the exemption for “ <i>mooring buoys</i> ” in section 6.2.3 (C) (6) are inconsistent with SMP standards in section 7.13.1 (B), which require a Substantial Development Permit (SDP) requirement for “... <i>all mooring structures, which includes buoys</i> ”. Further citing potential ecological impacts associated with moorage structures, the comments recommend that a SDP be required for mooring buoys and a variance or conditional use permit for other types of moorage structures.	<b>Kitsap County Response:</b>
F-2	Permit Provisions, Review & Enforcement Monitoring – Section 6.3.11	33, 34	<b>Tracking of Shoreline Exemptions:</b> Comments raise cumulative impact concerns associated with development exempt from the Substantial Development Permit process. Based on these concerns, the comments recommend that the SMP include a requirement to track exempted activities, along with a commitment for a future assessment of the cumulative effects of allowing the exempt development, as well as identification of a process to mitigate such effects.	<b>Kitsap County Response:</b>
G-1	Shoreline Use and Modification  Use Matrix – Table 7.2-1	57	<b>Use and Modification Table:</b> Futurewise identified a general concern, stating that the SMP lacks sufficient “ <i>use limits</i> ” for each of the shoreline environments to ensure adequate protection to fully implement the corresponding policies and achieve no net loss of ecological function. To alleviate this concern, Futurewise lists within their comment letter (pages 19-21) specific edits to SMP’s use table, as well as more general recommendations (also within their letter on pages 16 – 19) for amendments to “ <i>Aquatic</i> ”, “ <i>Natural</i> ” and “ <i>Rural Conservancy</i> ” environment designations.	<b>Kitsap County Response:</b>

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G-2	Shoreline Use and Modification Use Matrix – Table 7.2-1	55	<b>Use and Modification Table:</b> Comments allege that the SMP is inconsistent with the SMA and SMP-Guidelines as it fails to provide environmentally specific regulations necessary to account for different shoreline conditions.	<b>Kitsap County Response:</b>
G-3	Shoreline Use and Modification Use Matrix – Table 7.2-1	57	<b>Natural Environment Use Limits:</b> As provided through corresponding comments, Futurewise recommend that the County more broadly apply the Natural designation to additional segments of shoreline to protect existing intact habitats. However, they also provide an alternative recommendation, suggesting (see page 17 of their comment letter) additional use limits to incorporate into the existing Natural designation.  <b>Rural Conservancy (RC) Environment Use Limits:</b> Similar to comments provided above, Futurewise also provided “use limit” recommendations for the RC environment (see page 18 of their comment letter). In general they recommend that uses in the RC, should be limited to “low-intensity uses”, specifically suggesting that most “Commercial” and “Industrial” uses either be prohibited, or limited in “size” and “intensity”. Further, they suggest that “Residential” uses be limited to single-family (i.e., prohibit multifamily) and restrict “Recreational” uses to passive uses that do not involve extensive site alterations.	<b>Kitsap County Response:</b>
G-4	Shoreline Use and Modification Use Matrix – Table 7.2-1	41	<b>Use and Modification Table “Aquaculture” Note:</b> Comments recommend the following amendments to the “Aquaculture Use” note in Table 7.2-1 to ensure internal consistency with section 6.2.3 of the SMP and applicable state law:  <i>Note: <del>Small-scale</del> <u>aquaculture activities development</u> shall be exempt from procedural permit requirements in accordance with the exemption criteria at Section 6.2.3. Supplemental seeding activities are also exempt. <u>Aquaculture activities that do not</u></i>	<b>Kitsap County Response:</b>

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			<u>constitute substantial development do not require a shoreline substantial development permit.</u>	
G-5	Shoreline Use and Modification Agriculture – Section 7.3.2	57	<b>Agriculture Development Standards:</b> Futurewise recommend that “feedlots” and “waste storage” be located outside of shoreline jurisdiction.	<b>Kitsap County Response:</b>
G-6	Shoreline Use and Modification Aquaculture – Section 7.4	40	<b>Aquaculture General:</b> Commenter argues that “significant uncertainty” exists in the science regarding long-term cumulative impacts associated with geoduck operations. Based on this uncertainty, they recommend that commercial geoduck operations be prohibited in the Natural environment and suggests that geoduck aquaculture permits issued in other environments should be subject to future review and (potential) termination or modification of the use authorization as more is learned about adverse environmental impacts associated with these types of operations. The comments also recommend that the County increase protection of shoreline aesthetics, by conditioning aquaculture project permits to require that operations maintain visual compatibility with existing (adjacent) residential uses.	<b>Kitsap County Response:</b>
G-7	Shoreline Use and Modification Aquaculture – Section 7.4	57	<b>Aquaculture General:</b> Comments acknowledge variation in the different types of aquaculture activities within shoreline areas, including distinctions in timing, operations and facility development. Based on this description, the commenter emphasizes the importance in distinguishing effects of Aquaculture as either “Ecological” or related to “Public Enjoyment” of the shoreline, for which they recommend consideration of these effects during review of future Aquaculture related proposals. In addition, the comments recommend that applicable regulations also distinguish between the following three categories of “operations”: (1)	<b>Kitsap County Response:</b>

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TABLE 2 : COMMENT SUMMARY/RESPONSE TABLE				
LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
			<i>“Structure-based”, (2) “Gear-based”, and (3) “Minimal-Altering” operations. Based on this distinction, they recommend that only “Minimal-Altering” operations be allowed adjacent to; “highly functioning aquatic areas, and waters adjacent to the intact upland areas”.</i>	
G-8	Shoreline Use and Modification Aquaculture – Section 7.4.1. (A-B)	41	<b>Aquaculture Environment Designation Permit Requirements:</b> Comments suggest that the County <i>“cannot impose blanket SDP requirements that would extend to uses and activities that are no substantial development”</i> . Therefore they recommend the following amendments to the SMP:  A. <i>Natural, High Intensity, Shoreline Residential, Urban Conservancy, and Rural Conservancy: Except as otherwise stated in this section, and SDP shall be required for new aquaculture activities that meet the definition of substantial development under the Shoreline Management Act and this Shoreline Master Program, unless the proposal requires new structure or facilities, then a CUP shall be required.</i>  B. <i>High Intensity, Shoreline Residential, Urban Conservancy, and Rural Conservancy: Except as otherwise state in this section, an SDP shall be required.</i>	<b>Kitsap County Response:</b>
G-9	Shoreline Use and Modification Aquaculture – Section 7.4.1. D	41	<b>Aquaculture Environment Designation Permit Requirements:</b> Comments recommend the following amendment to ensure internal consistency with section 6.2.3 of the SMP and applicable state law:  <del>Small scale aquaculture development and supplemental wild stock seeding may be exempt from SDP requirements in accordance with the exemption criteria at Section 6.2.3 of this Program. Such activities shall comply with all state and Health certification and license, or Shellfish Import or Shellfish Transfer permits, where applicable. Where such activities conflict with Program provisions for public access or navigation, or adversely impact critical saltwater or freshwater habitats, and SDP shall be</del>	<b>Kitsap County Response:</b>

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			<del>required.</del>	
G-10	Shoreline Use and Modification Aquaculture – Section 7.4.3.A	53	<b>Aquaculture Development Standard, General Standards:</b> Comments request that a note be added to this section, requiring project proponents to contact the Washington Department of Natural Resources (DNR) to ensure that their project is consistent with their aquatic land management standards.	<b>Kitsap County Response:</b>
G-11	Shoreline Use and Modification Aquaculture – Section 7.4.3.A	53	<b>Aquaculture Development Standard, General Standards:</b> Comments recommend incorporation of additional standards to avoid impacts to native aquatic vegetation.	<b>Kitsap County Response:</b>
G-12	Shoreline Use and Modification Aquaculture – Section 7.4.3.A.2	41	<b>Aquaculture Development Standard, General Standards:</b> Comments recommend the following amendment to add clarity and ensure consistency with applicable state law:  <i>When a shoreline <u>substantial development</u> permit is issued for a new aquaculture <del>use or</del> development, that permit shall apply to the initial siting, construction, and planting or stocking of the facility or farm. Authorization to conduct <u>construction</u> <del>such</del> activities shall be valid for a period of five (5) years with a possible extension per Section 6.3.8 of this Program. After <del>the</del> <u>an</u> aquaculture use or development is established under <del>the</del> <u>a</u> shoreline permit, continued operation of the use or development, including, but not limited to, maintenance, harvest, replanting, restocking or changing the culture technique shall not require a new or renewed permit unless otherwise provided in the conditions of approval or this Program. Changing of the species cultivated shall be subject to applicable standards of this Program, including, but not limited to, monitoring and adaptive management in accordance with standard 7, below.</i>	<b>Kitsap County Response:</b>
G-13	Shoreline Use and Modification	41	<b>Aquaculture Development Standard, General Standards:</b> Comments recommend that the County amend this provision	<b>Kitsap County Response:</b>



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	Aquaculture – Section 7.4.3.A.6		(as provided below) to remove the preference for “non-floating aquaculture”, which they argue has not been justified through the County’s development of the updated SMP.  <del>In general, projects that require no structures, submerged structures or intertidal structures are preferred over those that involve substantial floating structures. Projects that involve little or no substrate modification are preferred over those that involve substantial modification. Projects that involve little or no supplemental food sources, pesticides, herbicides or antibiotic application are preferred over those that involve such practices.</del>	
G-14	<b>Shoreline Use and Modification</b> Aquaculture – Section 7.4.3.A.6	57	<b>Agriculture Development Standards, General Standards:</b> Comments contend that the referenced “preference list” does not provide a “basis to approve or deny one technique over another”. Therefore, they recommend that the County incorporate the “preference list” into the use table and apply applicable treatments to specific environment designations.	<b>Kitsap County Response:</b>
G-15	<b>Shoreline Use and Modification</b> Aquaculture – Section 7.4.3.A.7	41	<b>Aquaculture Development Standard, General Standards:</b> Comments recommend the following amendment to this provision, which is intended to add clarity related to proposals that introduce new aquatic species not previously been cultivated in Washington State:  <del>Project applicants proposing to introduce aquatic species that have not previously been cultivated in Washington State must obtain all required state and federal approvals relating to the introduction of aquatic such species that have not previously been cultivated in Washington State, as determined by applicable state and federal agencies, and shall submit a</del> <del>plan for monitoring and adaptive management shall also be submitted for County review, unless the operation is conducted in a fully contained system with no water exchange to the shoreline. The County shall provide notice and time to comment for appropriate agencies in accordance with County procedural requirements, and shall circulate the monitoring and adaptive management</del>	<b>Kitsap County Response:</b>

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			<i>plan. Upon approval, the plan shall become a condition of project approval.</i>	
G-16	<b>Shoreline Use and Modification</b> Aquaculture – Section 7.4.3.A.14	41	<p><b>Aquaculture Development Standard, General Standards:</b></p> <p>Comments characterize the subject standards as “...confusing...difficult to interpret and enforce...not based on scientific evidence regarding impacts of predator exclusion devices”. Further, they suggest that the standards are not an accurate reflection of actual predator exclusion practices used by shellfish growers. Therefore, they recommend the following amendments to this section of the SMP:</p> <p><i>In order to avoid or limit the ecological and aesthetic impacts from aquaculture siting and operations, the following shall apply:</i></p> <ul style="list-style-type: none"><li><i>a. Predator exclusion devices may include rubber bands, small nets, and area netting. These devices can be dislodged and pose a hazard to birds, marine mammals, and other wildlife and domestic animals, and are subject to Kitsap County Public Nuisance regulations (Chapter 9.56 KCC). Predator exclusion methods shall be considered in the following order of preference:</i><ul style="list-style-type: none"><li><i>i. No predator exclusion, where feasible;</i></li><li><i>ii. Predator exclusion devices that are firmly attached to gooduck PVC tubes and will not become dislodged;</i></li><li><i>iii. Predator exclusion devices that blend with the natural environment, including utilization of gray or other earth tones for PVC tubing; and</i></li><li><i>iv. Predator exclusion devices that can become dislodged into the water column or cause a hazard.</i></li></ul></li><li><i>b. Predator exclusion devices shall be removed as soon as they are no longer needed to perform protective functions, which shall not exceed two years.</i></li><li><i>c. Predator exclusion methods shall not be designed to intentionally kill or injure birds or mammals. Predator exclusion methods shall comply with federal and state regulations as determined by applicable federal and state</i></li></ul>	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
			<p>agencies.</p> <p><i>d. When determined necessary to minimize aesthetic and habitat impacts of largescale projects, the County may require a phased approach to operation. This includes planting and harvesting areas on a rotational basis within the same tideland parcel.</i></p> <p><i>e. Predator exclusion devices shall be firmly attached or secured so as not to become dislodged.</i></p> <p><i>f. Predator exclusion devices shall blend with the natural environment.</i></p> <p><i>g. Aquaculture operators shall routinely inspect and maintain predator exclusion devises.</i></p>	
G-17	<b>Shoreline Use and Modification</b> Aquaculture – Section 7.4.3.B	57	<b>Agriculture Development Standards, Additional Standards for Commercial Geoduck Aquaculture:</b> Comments characterize the “geoduck specific standards” as “good ideas” that they suggest also be applied to other aquaculture operations.	<b>Kitsap County Response:</b>
G-18	<b>Shoreline Use and Modification</b> Aquaculture – Section 7.4.3.C	53	<b>Aquaculture Net Pen Development Standard:</b> Comments recommend incorporation of additional standards requiring that new or expanded fin fish aquaculture net pens be located a minimum of 150-meters (492-feet) from existing native aquatic vegetation.	<b>Kitsap County Response:</b>
G-19	<b>Shoreline Use and Modification</b> Barrier Structures – Section 7.5	57	<b>Barrier Structure Development Standard:</b> Comments recommend that the County separate shoreline “uses” from “modifications” within the SMP.	<b>Kitsap County Response:</b>
G-20	<b>Shoreline Use and Modification</b> Boating Facilities – Section 7.6	57	<b>Boating Facilities, Marina Regulations and Live-Aboards:</b> Futurewise recommend that the “Marina” regulations be applied to all boating facilities. They also recommend that all boating facilities should be required to provide a shoreline mitigation plan and ensure mitigation sequencing principles are	<b>Kitsap County Response:</b>

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			followed through implementation of the SMP.  Further, they state that the Boating Facility standards in the SMP need to address “live-aboard vessels/houseboats of all sorts”. Specifically they recommend that sewer hookups be required for both “black water” and “grey water”, which should not be allowed to be discharged into Puget Sound.	
G-21	Shoreline Use and Modification Boating Facilities – Section 7.6.3	53	<b>Boating Facilities Development Standard:</b> Comments request that a note be added to this section of the SMP, requiring project proponents to contact the Washington Department of Natural Resources (DNR) to ensure that their project is consistent with DNR’s standards.	<b>Kitsap County Response:</b>
G-22	Shoreline Use and Modification Boating Facilities – Section 7.6.3	55	<b>Boating Facilities Development Standard:</b> Cited as necessary to ensure consistency with WAC 173-26-201, comments recommend that the SMP not allow a proposed use if it is likely to result in closure of a commercial shellfish harvesting area.	<b>Kitsap County Response:</b>
G-23	Shoreline Use and Modification Overwater Structures – Section 7.6.1 and Mooring Structures – Section 7.13.1	58	<b>Permit Requirements for Boating Facilities:</b> Comments characterize the “water-dependent culture” of the tribes, for which concerns are expressed related to proliferation of overwater structures, which can interfere with the Tribes ability to exercise their treaty right. Based on these concerns, comments emphasizes the need for evaluation of each structure on an individual basis through a conditional use permit.	<b>Kitsap County Response:</b>
G-24	Shoreline Use and Modification Commercial Uses – Section 7.7.1.C	57	<b>Commercial Development Environment Designations Permit Requirements:</b> Futurewise recommend an amendment to this section of the SMP that clarifies that development proposed in the Aquatic designation, needs to be consistent with provisions required by the upland designation.	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
G-25	<b>Shoreline Use and Modification</b> Commercial Uses – Section 7.7.2	55	<b>Commercial Development, Development Standards –</b> Comments recommend adding a standard to this section of the SMP that prohibits occupancy of non-water oriented elements of a mixed-use development, until the water-oriented portions of the project are complete.	<b>Kitsap County Response:</b>
G-26	<b>Shoreline Use and Modification</b> Commercial Uses – Section 7.7.2.B	57	<b>Commercial Development, Development Standards – Public Access Requirement:</b> Futurewise recommend adding a standard to either this section or section 5.10.B, clarifying that public access is required for proposals located on land in public ownership.	<b>Kitsap County Response:</b>
G-27	<b>Shoreline Use and Modification</b> Commercial Uses – Section 7.7.3.A	57	<b>Commercial Development, Redevelopment Standards – Restoration Requirement:</b> Citing WAC 173-26-241 (3) (d) paragraph(s) 3 and 4, Futurewise argues that restoration should be required for “almost all” commercial uses.	<b>Kitsap County Response:</b>
G-28	<b>Shoreline Use and Modification</b> Dredging – Section 7.8.2	57	<b>Dredging and Dredge Disposal, Application Requirements:</b> Futurewise recommend that dredging application requirements should also include; “a Shoreline Mitigation Plan, sediment movement process and rates, the rate of siltation or infilling, and the estimated time to re-dredge”.	<b>Kitsap County Response:</b>
G-29	<b>Shoreline Use and Modification</b> Dredging – Section 7.8.3.	57	<b>Dredging and Dredge Disposal, Development Standards, Dredge Material Disposal:</b> Futurewise recommend that the following upland dredge disposal standards be added to this section of the SMP: “(1) It [disposal of dredge materials] should not be allowed within upland buffers, or existing native vegetation areas, (2) it should be regulated as fill, and (3) it should be place outside shoreline jurisdiction, unless for ecological restoration purposes”.  Further, they recommend that a list from the SMP-Guidelines of specific situations when dredging is allowed also be added or	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
			referenced in this section of the SMP.	
G-30	Shoreline Use and Modification Fill – Section 7.9.1	33, 34	<b>Fill Env. Designations Permit Requirements:</b> Noting the potential presence of floodplains and other sensitive areas, comments recommend that the County amendment section 7.9.1 to require a Conditional Use Permit (CUP) in the Rural and Urban Conservancy designations for the placement of fill that is not associated with ecological restoration located upland of OHWM.	<b>Kitsap County Response:</b>
G-31	Shoreline Use and Modification Fill – Section 7.9	57	<b>Fill Env. Designations Permit Requirements:</b> Comments suggest that the County group “grading” with “fill” as the “fill” standards are applicable to excavation and the two activities often are associated.	<b>Kitsap County Response:</b>
G-32	Shoreline Use and Modification Fill – Section 7.9.2	57	<b>Fill Application Requirements:</b> Futurewise recommend that Fill-Excavation application requirements also include a “Shoreline Mitigation Plan”.	<b>Kitsap County Response:</b>
G-33	Shoreline Use and Modification Fill – Section 7.9.3	57	<b>Fill Development Standards:</b> Futurewise recommend that the Fill/Excavation section include additional standards related to “gradient, slope, stability, leveling dump truck piles and revegetation to address these common impacts”.	<b>Kitsap County Response:</b>
G-34	Shoreline Use and Modification Industrial Uses – Section 7.11	57	<b>Industrial Uses – General Comment:</b> Futurewise recommend that “chemical” and “waste storage” be prohibited or located outside of shoreline jurisdiction. Further they recommend that a “Shoreline Mitigation Plan” be required for all Industrial Uses located in shoreline areas.	<b>Kitsap County Response:</b>
G-35	Shoreline Use and Modification	57	<b>Mining – General Comment:</b> Futurewise recommend that mining be prohibited within a “channel migration zone” and also suggest that the County distinguish between “underground	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
	Mining – Section 7.12		<i>mining</i> ” (which they also recommend prohibiting), and “ <i>surface mining</i> ”, which they recommend should be encouraged outside of shoreline jurisdiction.	
G-36	<b>Shoreline Use and Modification</b> Mooring Structures – Section 7.13	57	<b>Mooring Structure – General Comment:</b> Again comments reiterate the importance in distinguishing shoreline “ <i>uses</i> ” from “ <i>modifications</i> ”. Further, they recommend that the County rename this section: “ <i>Docks, Piers, and Mooring Structures</i> ”.	<b>Kitsap County Response:</b>
G-37	<b>Shoreline Use and Modification</b> Mooring Structures – Section 7.13.3.A.1	57	<b>Mooring Structure, Development Standards, General Standards:</b> Comments recommend the County add to this provision language to “... <i>clarify that structures for other purposes are prohibited</i> ”. They also recommend adding the following new standards to this section: “ <i>Docks, piers, and boating structures that are accessory to multi-family residential uses are prohibited, unless they are reviewed and approved as boating facilities uses</i> ”.	<b>Kitsap County Response:</b>
G-38	<b>Shoreline Use and Modification</b> Mooring Structures – Section 7.13.3.A.	57	<b>Mooring Structure, Development Standards, General Standards:</b> Futurewise recommend addomg the following specific changes to Mooring Structure Development Standards: <ul style="list-style-type: none"><li>• <i>Docks, piers and mooring structures should require a “Shoreline Mitigation Plan”, or follow the mitigation options in Appendix B;</i></li><li>• <i>Regulations should include either a total area limit or width or length limits for the dock;</i></li><li>• <i>Grading standards should require higher transparency, for which grating should be required when decking is replaced;</i></li><li>• <i>Chemically treated wood should not be uses for pilings. Further, pilings should be replaced consistent with new standards when full sections of deck surface are replaced; and</i></li><li>• <i>Marine railways should be allowed to pass through buffers, so the boat garage can be placed outside the buffer.</i></li></ul>	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
G-39	<b>Shoreline Use and Modification</b> Mooring Structures – Section 7.13.3.B	33, 34, 57	<b>Mooring Structure Requirements:</b> Noting a “relax” on “usual standards” for private noncommercial mooring facilities proposed within a critical saltwater habitat, comments recommend that the SMP provide additional language to clarify that; “...a mooring facility associated with mixed-use development is not a mooring facility and cannot benefit from these relaxed standards”.	<b>Kitsap County Response:</b>
G-40	<b>Shoreline Use and Modification</b> Recreation – Section 7.14.3	57	<b>Recreation, Development Standards:</b> Futurewise recommend that “use-intensity” limits be incorporated into the “Recreation” Development Standards to distinguish between “low-intensity, moderate-intensity, and high-intensity” recreational uses.	<b>Kitsap County Response:</b>
G-41	<b>Shoreline Use and Modification</b> Recreation – Section 7.14.3.I	13	<b>Recreation, Development Standards:</b> In reference to trail access requirements, the commenter asks if ADA (American with Disabilities Act) compliance needs to be required in the SMP?  Citing a concern that some existing trails are not ADA accessible, the commenter is concerned that the ADA standards will be required for reconstruction at existing facilities.	<b>Kitsap County Response:</b>
G-42	<b>Shoreline Use and Modification</b> Shoreline Stabilization – Section 7.16	54	<b>Shoreline Stabilization Limits:</b> Comments recommend that new “hard shoreline stabilization” be prohibited in “sensitive areas, including those designated as rural and urban conservancy”.	<b>Kitsap County Response:</b>
G-43	<b>Shoreline Use and Modification</b> Shoreline Stabilization – Section 7.16.1	33, 34	<b>Shoreline Stabilization Env. Designations Permit Requirements:</b> Based on environmental impact concerns associated with shoreline armoring, comments recommend amendment of section 7.16.1 to prohibit new hard stabilization	<b>Kitsap County Response:</b>



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			in the Natural designation and require a CUP in the Rural and Urban Conservancy designations. Further, an Administrative Conditional Use Permit (ACUP) is recommended for new stabilization related to ecological restoration or emergency situations.	
G-44	<b>Shoreline Use and Modification</b> Shoreline Stabilization – Section 7.16.3	57	<b>Shoreline Stabilization Application Requirements:</b> Futurewise recommend that Shoreline Stabilization Application Requirements should also include a “ <i>Shoreline Mitigation Plan</i> ” or use of Appendix B, including a description of how each mitigation step is being applied and noting specific compensatory mitigation.	<b>Kitsap County Response:</b>
G-45	<b>Shoreline Use and Modification</b> Transportation – Section 7.17.2	57	<b>Transportation General:</b> Futurewise recommend that different types of transportation uses should be regulated based on the “ <i>scale</i> ” and potential “ <i>impacts</i> ” of the proposed development. They also recommend that “ <i>linear facilities</i> ” should (when possible) be located outside shoreline jurisdiction. Further, they recommend that a “ <i>Shoreline Mitigation Plan</i> ” accompany all of these types of project proposals.	<b>Kitsap County Response:</b>
G-46	<b>Shoreline Use and Modification</b> General Comment	57	<b>Classification of Water-Dependent Uses:</b> Within their comments, Futurewise argue that shoreline “ <i>modifications should not be classified with various water-dependency use classifications</i> ”, further they state that “ <i>only uses should be classified based on water-dependency</i> ”, thus concluding that; “ <i>non-water-dependent uses should not have in-water or in-buffer modifications, unless there is some good reason</i> ”. Based on this statement, they suggest (see pages 30-31) that the “ <i>modifications</i> ” in the Kitsap SMP do not follow the SMP Guideline requirements. On page 31 of their comment letter, they provide both “ <i>general</i> ” and “ <i>specific</i> ” recommendations to alleviate this issue.	<b>Kitsap County Response:</b>

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H-1	Mitigation Options Appendix B.1 (I)	33, 34	<b>Public Access Mitigation:</b> Comments allege that in order for the SMP to achieve the “no net loss goal”, the referenced section of the SMP should be amended to clarify that unless public access projects also include improvements to ecological functions; they can only mitigate for loss of public access or other non-ecological impacts, but should not be credited for ecological improvements.	<b>Kitsap County Response:</b>
H-2	Mitigation Options and Restoration Plan Appendix B Section 5 (C) and Appendix C	33, 34	<b>Restoration Projects Under Recovery or Watershed Plans:</b> Referencing the provision in the SMP that would allow a shoreline project proponent to use activities listed in the Restoration Plan (Appendix C) to satisfy shoreline development mitigation requirements, comments recommend that the County track restoration projects associated with Recovery or Watershed Plans separately from shoreline development mitigation that is intended to satisfy no net loss requirements.	<b>Kitsap County Response:</b>
H-3	Channel Migration Zone Maps Appendix D	57	<b>Channel Migration Zone (CMZ) Maps:</b> Futurewise provide strong support for the adoption and use of the CMZ maps as part of the SMP, for which they recommend that a reference to the maps be added to Appendix D.	<b>Kitsap County Response:</b>
I-1	General Comment Climate Change	33, 34	Comments recommend that a more comprehensive analysis of the effects of climate change and sea level rise in Kitsap County be included as part of the SMP-update.	<b>Kitsap County Response:</b>
I-2	General Comment Climate Change	54	Comments recommend that the County incorporate current scientific information regarding climate change into the SMP to inform final designations for protection areas, buffer requirements and identification of appropriate shoreline uses.	<b>Kitsap County Response:</b>
I-3	General Comment	2, 5, 6, 7, 9, 17, 18,	Comments emphasize the following elements as important to	<b>Kitsap County Response:</b>

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	Puget Sound Protection	19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 35, 36, 45, 47, 48, 49, 50, 54, 56, 57	<p>establishment of effective regulations to protect shoreline areas throughout Puget Sound and the surrounding region:</p> <ul style="list-style-type: none"><li>• Ensure all element of the update are based on science.</li><li>• Protect existing natural vegetation and designate appropriate buffer widths to maintain vegetation.</li><li>• Prohibit new hard shoreline stabilization in sensitive areas, including those designated as rural and urban conservancy.</li><li>• Use tools such as critical saltwater habitat designations, conservation areas, and other protective designations to protect sensitive bays, estuaries, lagoons, and fish and wildlife.</li><li>• Incorporate current scientific information regarding climate change, for example changes to flooding patterns and sea level rise impacts on shorelines, as you finalize the designations for protection areas, establish buffer widths, and identify appropriate shoreline uses.</li><li>• Protect high quality aquatic areas from modifications and degradation.</li><li>• Prevent loss of shoreline functions through more robust mitigation regulations.</li><li>• Amend the public access requirements to comply with the standards of the SMP guidelines</li></ul>	
I-4	<b>General Comment</b> Passenger Ferry Impact	12, 13	Testimony at Ecology’s public hearing on June 20 <sup>th</sup> , 2013 and a written comment sent to Ecology, state that the shoreline ecology (kelp beds, eelgrass and crabs) in Rich Passage have improved since the passenger only ferries stopped operation through this waterbody. One of the commenter’s raised concern that the ecological recovery could be compromised if the ferries are allowed to start running again. The commenter concluded by requesting that if the ferries are allowed to start up again, that impacts be monitored to ensure that future ferry operations are not allowed to degrade the marine ecology.	<b>Kitsap County Response:</b>
I-5	<b>General Comment</b> Property Rights	10	Kitsap Alliance state that the County’s updated SMP inappropriately “...promotes environmental protection above	<b>Kitsap County Response:</b>

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LINE	COMMENT TOPIC	COMMENT NO. (TABLE 1)	COMMENT SUMMARY	LOCAL GOVERNMENT RESPONSE
			<i>the use of the land by the owners of the property”. KA suggest that the permit and assessment costs that they predict will be required for future shoreline development is; “[a]...violation of the 5<sup>th</sup> Amendment, limiting property owner’s constitutional rights to enjoy and use their property”.</i>	
I-6	General Comment Property Rights	20, 43	Kitsap Alliance provided a copy of the recent decision by the United States Supreme Court in the <i>Koontz</i> case. KA recommend that the <i>Koontz</i> decision be considered in review of the County’s updated SMP, as they suggest that the proposed SMP “...will not meet the <i>Koontz</i> test for constitutional regulation”.	<b>Kitsap County Response:</b>
I-7	General Comment Sewer System Failure	56	Based on a general comment stating that “ <i>the public has a right to a Puget Sound that is not damaged by developments</i> ”, comments recommend that additional protection be provided to avoid impacts resulting from damaged or failed sewer system infrastructure.	<b>Kitsap County Response:</b>
I-8	General Comment SMP Funding	1	Reiterating the major objectives of the Shoreline Management Act (SMA), comments suggest that State or Federal funding to implement the “ <i>Sinclair Inlet Development Concept Plan</i> ” would provide a “ <i>role model</i> ” example demonstrating how the County is achieving compliance with SMA mandates.	<b>Kitsap County Response:</b>